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**SURFACE
TRANSPORTATION BOARD**

CITY OF ATHENS

225887

Anthony Casteel, AICP
Community Development Director

October 19, 2009

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Secretary
Surface Transportation Board
Washington, DC 20423-0001

RE: CSX Transportation Abandonment STB Docket No. AB-55 (Sub-No. 699X)

Dear Secretary:

This request is filed on behalf of the City of Athens, Tennessee which is the governmental institution interested in promoting transportation and recreation. The City of Athens request issuance of a Public Use Condition, as well as an Interim Trail Use Condition rather than an outright abandonment authorization for the 0.22 mile section extending from milepost OKW333.40 to milepost OKW 333.62.

Request for Public Use Condition

The City of Athens asks the Surface Transportation Board to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on this abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms. Justification for this condition is: This section of rail corridor is a continuing portion to the section being abandoned as STB Docket No. AB-55/Sub. No. 694X that has also been asked to have these same conditions placed on the abandonment. The corridor would make an excellent recreational trail when combined with the aforementioned abandonment. It will also enhance the Tennessee Department of Transportation's Multimodal goals, as identified in the Greenways and Trails Plan found in Proposal No. 9 of the Tennessee State Recreational Plan. The time period being sought is 180 days from the effective date of abandonment authorization. The City needs this time to complete a trail plan and begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail related structures such as bridges, trestles, culverts, and tunnels. The justification for this condition is that these structures have considerable value for recreational purposes. The time period being

sought is 180 days from the effective date of abandonment authorization for the same reason mentioned above.

Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use condition sought above, the City of Athens makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY


In order to establish interim trail use and railbanking under Section 8 (d) of the National Trails System Act, 16 U.S.C.

Section 1247 (d) and 49 CFR Section 1152.29, City of Athens is a political subdivision of the State of Tennessee and is immune from liability arising out of the transfer of use, and are willing to assume full responsibility for the management of and for the payment of any and all taxes that may be leveled or assessed against the right-of-way owned by and operated by CSX Transportation.

The property extends from milepost OKW333.40 to milepost OKW 333.62 for a distance of 0.22 miles in the City of Athens and is listed as STB Docket No. AB-55 (Sub-No. 699X). A map depicting the right-of-way is attached.

The City of Athens, Tennessee acknowledges that the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Sincerely,



Anthony Casteel, AICP
Community Development Director
City of Athens, TN

Attachment 1

